

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ELI DOMINIC EDWARDS,**

**Plaintiff,**

**v.**

**MICHELLE LASTRAPES, ET AL.,**

**Defendants.**

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**Case No. 6:19-CV-12-JDK-JDL**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Eli Dominic Edwards, an inmate proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On March 2, 2020, the Magistrate Judge issued a Report and Recommendation (Docket No. 44) recommending that Plaintiff's amended complaint be dismissed with prejudice. *Id.* at 15. Plaintiff filed objections on April 29, 2020. Docket No. 48.

Plaintiff objects only to the Magistrate Judge's "dismissing the Eighth Amendment claims against Defendants." *Id.* at 1. Plaintiff first objects that he did not voluntarily consent to having the Magistrate Judge conduct any matters in his lawsuit. But a district court judge may refer pretrial and preliminary matters to a Magistrate Judge to issue a Report and Recommendation or pretrial order, for which no consent is required. *See Newsome v. E.E.O.C.*, 301 F.3d 227, 230 (5th Cir. 2002). Plaintiff's objection is therefore overruled.

The remainder of Plaintiff's objections are not specific objections to the Report. Plaintiff merely restates the allegations in his Amended Complaint. Frivolous, conclusory, or general objections need not be considered by the district court. *See Nettles v. Wainwright*, 677 F.2d 404,


410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc). Further, Plaintiff does not dispute the Magistrate Judge's proper conclusions that (1) Plaintiff is barred by the Eleventh Amendment from suing Defendants in their official capacities for money damages, *see Oliver v. Scott*, 276 F.3d 736, 742 (5th Cir. 2002); (2) Plaintiff has failed to state a claim against Defendant Pace, *see Hunt v. Pierson*, No. 6:15cv559, 2016 WL 1357913, at \*4 (E.D. Tex. Jan. 14, 2016) ("[T]he Fifth Circuit has upheld this Court's dismissal of medical claims against Practice Manager Pace with the explanation that she was just an administrator and plaintiff had not shown that she had any role to play in providing medical treatment."); and (3) Plaintiff has failed to state a claim for deliberate indifference against Defendants in their individual capacities, *see Gobert v. Caldwell*, 463 F.3d 339, 346 (5th Cir. 2006) ("Unsuccessful medical treatment, acts of negligence, or medical malpractice do not constitute deliberate indifference, nor does a prisoner's disagreement with his medical treatment, absent exceptional circumstances.").

Having made a *de novo* review of the objections raised by Plaintiff to the Magistrate Judge's Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Plaintiff's objections are without merit. The Court therefore adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

Accordingly, it is hereby **ORDERED** that the Report and Recommendation (Docket No. 44) be **ADOPTED**. It is further

**ORDERED** that Plaintiff's suit is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(1).

So **ORDERED** and **SIGNED** this **6th** day of **May, 2020**.



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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE